

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 SYLVIANE DELLA WHITMORE,
aka "Sylviane Cordova,"

7 Defendant.

Case No.: 2:17-cr-110-APG-DJA

**Order Granting Motion to Amend
Preliminary Order of Forfeiture as to
Defendant Sylviane Della Whitmore**

[ECF No. 341]

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9 I previously entered a preliminary forfeiture order as to Sylviane Della Whitmore, aka
10 "Sylviane Cordova." ECF No. 322. The Government now moves to amend that order to, among
11 other things, forfeit only a proportional interest in the real property subject to that order, and
12 specify the forfeiture money amounts for each count. ECF No. 341. Whitmore does not oppose
13 the motion. As required by Federal Rules of Criminal Procedure 32.2(b)(1) and (b)(2), the
14 United States of America has shown the requisite nexus between property set forth in Forfeiture
15 Allegation Two of the Superseding Criminal Indictment and the offenses to which Whitmore
16 was found guilty. The motion is supported by good cause, so I hereby grant it.

17 I THEREFORE ORDER as follows:

18 The following property and money judgments are (1) any property, real or personal,
19 involved in transactions or attempted transactions in violation of 18 U.S.C. § 1957, or any
20 property traceable to such property; (2) any property, real or personal, which constitutes or is
21 derived from proceeds traceable to violations of 18 U.S.C. §§ 1957 and 2314, specified unlawful
22 activities as defined in 18 U.S.C. § 1956(c)(7)(D) and 1956(c)(7)(A) with 1961(1)(B), or a
23 conspiracy to commit such offenses; and (3) any property, real or personal, involved in violations
24 of 18 U.S.C. § 1957, or any property traceable to such property and are subject to forfeiture
25 under 18 U.S.C. § 981(a)(1)(A) with 28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C) with 28
26 U.S.C. § 2461(c); 18 U.S.C. § 982(a)(1); and 21 U.S.C. § 853(p):

- 27 1. \$32,938.34 of 10270 Hammerschmidt Court, Las Vegas, Nevada 89135, more
28 particularly described as: LOT EIGHTY-THREE (83) IN BLOCK TWO (2) OF

SIERRA WOODS AT SUMMERLIN - UNIT 1, AS SHOWN BY MAP THEREOF
ON FILE IN BOOK 83 OF PLATS, PAGE 92 IN THE OFFICE OF THE COUNTY
RECORDER OF CLARK COUNTY, NEVADA, TOGETHER WITH ALL
IMPROVEMENTS AND APPURTENANCES THEREON; APN: 164-12-711-051
(Hammerschmidt Property); and

2. *in personam* criminal forfeiture money judgments as follows:

- Count 1 a criminal forfeiture money judgment of \$459,000;
- Count 2 a criminal forfeiture money judgment of \$459,000;
- Count 6 a criminal forfeiture money judgment of \$269,000;
- Count 7 a criminal forfeiture money judgment of \$178,034.70;
- Count 12 a criminal forfeiture money judgment of \$32,938;
- Count 28 a criminal forfeiture money judgment of \$190,000;
- Count 29 a criminal forfeiture money judgment of \$18,899.37;
- Count 30 a criminal forfeiture money judgment of \$32,938.34;
- Count 31 a criminal forfeiture money judgment of \$76,263.01; and
- Count 32 a criminal forfeiture money judgment of \$76,263.01.

The total amount of the money judgment that can be collected will not exceed \$459,000.
If the Hammerschmidt Property is sold, the net equity-after fees, costs, and expenses-will be
applied first to the criminal forfeiture money judgment amount of Count 30 and then toward the
payment of the rest of the criminal forfeiture money judgments amount.

I may at any time enter an order of forfeiture or amend an existing order of forfeiture to
include subsequently located property or substitute property under Fed. R. Crim. P. 32.2(e) and
32.2(b)(2)(C).

The *in personam* criminal forfeiture money judgments comply with *United States v. Lo*,
839 F.3d 777 (9th Cir. 2016); *Honeycutt v. United States*, 581 U.S. 443 (2017); *United States v.*
Thompson, 990 F.3d 680 (9th Cir. 2021); and *United States v. Prasad*, 18 F.4th 313 (9th Cir.
2021).

The United States is now entitled to, and should seize the above property.

1 The United States of America may recover from Sylviane Della Whitmore, aka “Sylviane
2 Cordova,” an in personam criminal forfeiture money judgment of \$459,000.

3 All possessory rights, ownership rights, and all rights, titles, and interests of Sylviane
4 Della Whitmore, aka “Sylviane Cordova,” in the above property are forfeited and are vested in
5 the United States of America and shall be safely held by it until further order of the court.

6 The United States will publish for at least 30 consecutive days on the official internet
7 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the
8 forfeited property, state the times under the applicable statute when a petition contesting the
9 forfeiture must be filed, and state the name and contact information for the government attorney
10 to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6). Notice is served on any
11 individual or entity on the date when it is placed in the mail, delivered to a commercial carrier, or
12 sent by electronic mail under Fed. R. Crim. P. 32.2(b)(6)(D) and Supplemental Rule G(4)(b)(iii)-
13 (v).

14 Any individual or entity who claims an interest in the forfeited property must file a
15 petition for a hearing to adjudicate the validity of the petitioner’s alleged interest in the property
16 under 21 U.S.C. § 853(n)(2), which petition shall be signed by the petitioner under penalty of
17 perjury under 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and
18 extent of the petitioner’s right, title, or interest in the property, the time and circumstances of the
19 petitioner’s acquisition of the right, title, or interest in the property, any additional facts
20 supporting the petitioner’s claim, and the relief sought. Any such petition must be filed with the
21 Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than 30
22 days of the final publication of notice on the official internet government forfeiture site,
23 www.forfeiture.gov, or his receipt of written notice, whichever is earlier. A copy of the petition,
24 must be served upon the Asset Forfeiture Attorney of the United States Attorney’s Office at the
25 following address at the time of filing:

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1 Daniel D. Hollingsworth
2 Assistant United States Attorney
3 Misty L. Dante
4 Assistant United States Attorney
5 501 Las Vegas Boulevard South, Suite 1100
6 Las Vegas, Nevada 89101.

7 The notice described herein need not be published if a Declaration of Forfeiture is issued
8 by the appropriate agency following publication of notice of seizure and intent to
9 administratively forfeit the above-described property.

10 The Clerk of court is directed to send copies of this Order to all counsel of record and
11 three certified copies to the United States Attorney's Office, Attention Asset Forfeiture Unit.

12 DATED November 17, 2023.

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15 ANDREW P. GORDON
16 UNITED STATES DISTRICT JUDGE
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